

**Minutes**  
**Randolph County Commissioners**

July 8, 2002

The Randolph County Board of Commissioners met in regular session at 4:00 p.m. in the Commissioners Meeting Room, County Office Building, 725 McDowell Road, Asheboro, NC. Commissioners Kemp, Frye, Davis, Holmes, and Mason were present. Kim Newsom, County Personnel Director, led the Lord's Prayer, and everyone recited the Pledge of Allegiance.

**Consent Agenda**

*On motion of Frye, seconded by Davis, the Board voted unanimously to approve the consent agenda as follows:*

1. • *approve minutes of 6/3, 6/4, 6/10, 6/17, 6/20, and 6/24; approve closed session minutes of 6/3 (I and II) and 6/20;*
- *reappoint Lucy Dorsey, Sonja Hole, Jane Leonard, Brad Long, Michael Rice, Charles Spivey, Jim Weston, and Maxine Wright to the Juvenile Crime Prevention Council.*

**Annual Settlement Report**

Ben Chavis, Tax Administrator, submitted the collection settlement reports (real and personal property, motor vehicles, and ambulance) for FY 2001-2002, as required by G.S. 105-373. Mr. Chavis presented a PowerPoint presentation that highlighted specific collection criteria. The collection rate for 2001-2002 was 99.12%, and he commended his collection staff for their outstanding efforts. He said Medicaid and Medicare regulations are making it more difficult to collect on ambulance bills, and our collection rates are down in that area.

Mr. Chavis discussed the discount that the County offers to citizens who pay their property tax bills prior to a certain date each year and said that discontinuing this discount would save the County hundreds of thousands of dollars. The County lost \$511,651.83 in discounts last year. He mentioned that the lock box system for motor vehicle tax collection is working well. He also stated that tax bills would be mailed on Friday, July 12, and then distributed personal tax bills to the Board. He mentioned that the appeal period for personal property would expire 8/12/02.

*On motion of Mason, seconded by Holmes, the Board unanimously accepted the following collection settlement reports for FY 2001-2002 as presented by Mr. Chavis.*

ANNUAL SETTLEMENT REPORT FOR YEAR ENDING JUNE 30, 2002		
Beginning Balances:		
Current Levy	50,347,902.84	
Delinquent Secured	248,365.27	
Delinquent Unsecured	744,995.96	
Total Beginning Receivables		51,341,264.07
Additions:		
Manual Discoveries, Public Utilities	1,757,271.61	
Supplemental Billing (second billing)	742,109.28	
Debits		
Credits:		
Collections	51,631,583.04	

<b>Releases</b>	<b>750,866.99</b>	
<b>Discounts</b>	<b>511,651.83</b>	
<b>Adjustments:</b>		<b>(50,394,720.97)</b>
<b>Ending Balances:</b>		
<b>Current Secured Levy</b>	<b>256,823.30</b>	
<b>Current Unsecured Levy</b>	<b>205,562.83</b>	
<b>Delinquent Secured</b>	<b>47,738.24</b>	
<b>Delinquent Unsecured</b>	<b>436,418.73</b>	
<b>Total Ending Receivables</b>		<b>946,543.10</b>

<b>VEHICLE SETTLEMENT REPORT FOR PERIOD JULY 1, 2001 THROUGH JUNE 30, 2002</b>					
	<b>G01 ONLY</b>	<b>ALL DISTRICTS</b>			
<b>Outstanding Balance:</b>	<b>893,651.26</b>	<b>1,393,979.12</b>			
<b>LEVY/CHARGES</b>	<b>5,562,766.98</b>	<b>7,556,221.06</b>			
<b>Interest Charged:</b>	<b>64,918.54</b>	<b>98,553.85</b>			
<b>Total:</b>	<b>6,521,336.78</b>	<b>9,048,754.03</b>			
<b>Taxes Collected:</b>	<b>5,188,646.38</b>	<b>7,341,046.44</b>			
<b>Interest Collected:</b>	<b>64,918.54</b>	<b>98,553.85</b>			
<b>Taxes Released:</b>	<b>101,451.65</b>	<b>156,947.49</b>			
<b>Unpaid Taxes:</b>	<b>1,166,320.21</b>	<b>1,452,206.25</b>			
<b>Total:</b>	<b>6,521,336.78</b>	<b>9,048,754.03</b>			
		<b>MONTH</b>	<b>%</b>	<b>MONTH</b>	<b>%</b>
		<b>JULY</b>	<b>97</b>	<b>JULY</b>	<b>97</b>
		<b>AUGUST</b>	<b>96</b>	<b>AUGUST</b>	<b>96</b>
		<b>SEPTEMBER</b>	<b>96</b>	<b>SEPTEMBER</b>	<b>95</b>
		<b>OCTOBER</b>	<b>94</b>	<b>OCTOBER</b>	<b>94</b>
		<b>NOVEMBER</b>	<b>93</b>	<b>NOVEMBER</b>	<b>92</b>
		<b>DECEMBER</b>	<b>92</b>	<b>DECEMBER</b>	<b>92</b>
		<b>JANUARY</b>	<b>92</b>	<b>JANUARY</b>	<b>91</b>
		<b>FEBRUARY</b>	<b>88</b>	<b>FEBRUARY</b>	<b>87</b>
		<b>MARCH</b>	<b>83</b>	<b>MARCH</b>	<b>83</b>
		<b>APRIL</b>	<b>85</b>	<b>APRIL</b>	<b>85</b>
		<b>MAY</b>	<b>79</b>	<b>MAY</b>	<b>80</b>

<b>AMBULANCE SETTLEMENT REPORT FOR PERIOD JULY 01, 2001 THROUGH JUNE 30, 2002</b>		
		<b>YEAR TO DATE</b>
<b>Uncollected ambulance fees July 1, 2001.....</b>		<b>2,466,331.62</b>
<b>Ambulance fees charged to Tax Department</b>		
<b>for collection July 1, 2001 through</b>		
<b>June 30, 2002.....</b>		<b>1,444,447.50</b>
<b>Legal fees (Garnishments, Judgements,</b>		
<b>Etc.).....</b>		<b>1,020.00</b>

Debits.....		506.44
Overpayments & Refunds.....		10,879.48
TOTAL.....		3,923,185.04
All sums deposited which represent ambulance fees and legal fees.....		1,095,026.56
Releases (Medicare, Medicaid).....		248,008.89
Uncollected ambulance fees.....		2,494,606.78
Credit.....		411.99
Statute of Limitations.....		85,130.82
TOTAL.....		3,923,185.04

### **Reappointment of Assessor/Collector, Oath of Office, and Charge to Tax Collector**

*On motion of Davis, seconded by Frye, the Board unanimously voted to reappoint Ben Chavis to a 4-year term as Tax Assessor/Collector and to set his bond for \$200,000. The Clerk to the Board administered the oath of office to Mr. Chavis and then Chairman Kemp read the charge to collect taxes to Mr. Chavis as follows: You are hereby authorized, empowered and commanded to collect the taxes set forth in the tax records filed in the office of the County Assessor and in the tax receipts delivered to you, in the amounts and from the taxpayers likewise therein set forth. Such taxes are hereby declared to be a first lien upon all real property of the respective taxpayers in the County of Randolph and this order shall be a full and sufficient authority to direct, require, and enable you to levy on and sell any real and personal property of such taxpayers, for and on account thereof, in accordance with law.*

### **Adoption of 2002-2003 Classification Plan and Salary Schedule**

Kim Newsom, Personnel Director, requested the adoption of the 2002-2003 classification plan and salary schedule, which reflects the recommendations incorporated into the 2002-2003 budget.

*On motion of Frye, seconded by Holmes, the Board unanimously adopted the 2002-2003 classification plan and salary schedule.*

### **Adoption of Courthouse Security Procedures Ordinance**

Aimee Scotton, Staff Attorney, reminded the Board that in April, 2002, the Board had adopted a resolution stating that the Board of Commissioners of the County of Randolph recommends to the Honorable Resident Judge of the Superior Court of the County of Randolph that the resolution which included the Randolph County Courthouse Security and Building Procedures be incorporated by Order of the Court. The Judge forwarded the resolution to the Administrative Office of the Courts, who requested that these procedures be incorporated into a County ordinance.

*On motion of Davis, seconded by Mason, the Board voted unanimously to approve the following ordinance:*

#### **Section I. Purpose.**

*This courthouse security and building procedures ordinance is designed to maintain a safe and contraband-free environment within the criminal and civil courtrooms and other areas of the Randolph County Courthouse. This ordinance also provides the guidelines for the day-to-day operations throughout the courthouse.*

#### **Section II. Hours of Operation.**

##### **A. Normal Hours of Operation.**

*The courthouse will be open from 7:30 a.m. until 5:30 p.m. Monday-Friday for all employees. The courthouse will be open from 8:00 a.m. until 5:00 p.m. Monday- Friday to the general public. The Randolph County Sheriff's Office will provide security for the courthouse from 7:30 a.m. until 11:00 p.m. Monday-Friday. This schedule will be implemented on the 1st day of July 2002.*

##### **B. Exceptions to Normal Hours of Operation.**

- 1. In the event that a court or special hearing must continue to operate beyond normal hours, judicial officials, court personnel and court deputies will be on staff to work these events.*
- 2. Teen court is held on the 2<sup>nd</sup> and 4<sup>th</sup> Mondays of every month starting between 6:00 p.m. and 6:30 p.m. in the evening. All individuals and court personnel seeking entry after 5:00 p.m. will be required to go through the*

screening process. No public access will be allowed into the courthouse after 5.00 p.m. unless required for court or a special hearing.

3. The security committee must approve requests for non-court events at the courthouse.

### **Section III. Courthouse Security Plan.**

Pursuant to this ordinance, Courthouse Security Personnel shall be responsible for:

- A. Screening of all persons entering the courthouse. This procedure will be accomplished in an efficient and effective manner.
- B. Walk-through search of all secure areas prior to admittance of staff or public.
- C. Monitoring of all public lobbies and exit doors by use of CCTV.
- D. Walking patrols of all secure areas and response to areas inside or outside the courthouse where problems arise.
- E. Response to activations of panic alarms or door alarms at various locations.
- F. Walk-through search of all areas to make sure building is empty after lockdown.

### **Section IV. Screening.**

- A. The Screening Procedure will be as follows:

1. All persons entering the courthouse through the main (north) entrance will go through the security screening process.
2. Judges, Clerk of Court, District Attorney, Magistrates, Court Reporters, and Sheriff will have access to the restricted lot on the south side of the courthouse.
3. All courthouse personnel **may be required** to go through the security screening process when using the employee entrance located on the first floor, west side of the building. All courthouse personnel are required to wear a picture ID access card at all times while inside the courthouse.
4. All law enforcement officers who come to the courthouse will check in at the security station for identification purposes. **Uniformed Officers and Plain Clothes Officers** unknown to security staff must have a standard picture ID card issued by their agency to be allowed to enter the courthouse while armed. Officers may go to the information desk on the first floor and sign out an access card for secured areas of the courthouse. If there is a need for officers to respond to an emergency situation at the courthouse when called upon for assistance, they will be passed through the screening point immediately.
5. **Officers On Personal Business In The Courthouse:** Officers who are a party to or witness for a case in which they are personally involved will not be allowed to enter the courthouse while armed. There will be no exceptions to this rule. Violations will be reported to head of courthouse security (Lt. Hussey or Sgt. Brewer).
6. **Out-of-County Officers-** Law enforcement officers who are not employed by local department or assigned to Randolph County will not be allowed access to secured areas of the courthouse unless they are accompanied by a local officer who is properly identified and who identifies the out-of-county officer. When this situation occurs, the out-of-county officer will be escorted at all times by the local officer who is familiar with the security procedures.

- B. Screening Steps:

1. Individuals entering the courthouse will be screened by use of walk-through magnetometers and/or hand-held magnetometers.
2. Individuals who bring items into the courthouse for court purposes must check in at the screening station on the first floor where the items will be checked and a validation sticker placed upon them.
3. The X-ray machine will scan packages, handbags, briefcases, books, mail, and file folders.
4. Individuals shall place all packages, handbags, briefcases, books, and large file folders on the X-ray conveyor belt and empty all pockets that contain any metal objects into a tray before entering the walk-through magnetometer. A positive indication by the magnetometer will require a second walk-through by the individual.
5. A second positive indication by the walk-through magnetometer will require a search using the hand magnetometer to locate the source of the positive indication. The security officer may take the person to the side and pat down the individual if it is determined that some suspected object is causing the positive indication and there is reasonable suspicion that the individual has an object that poses a security risk. **Only A FEMALE officer may conduct a pat-down search of a FEMALE.**
6. Suspicious images observed in packages or handbags shall be closely examined by having the owner open the package for inspection. If the officer believes that the suspicious item could be an explosive devise, he should not open the package. He will clear the area and contact the supervisor.
7. Mail being brought into the courthouse will be screened through the X-ray machine, as will all packages delivered to the various departments in the courthouse. If a package is too large to fit into the X-ray machine, it will be inspected by the security officers prior to its passing the screening checkpoint.

**Section V. Identification and Confiscation of Contraband.**

- A. Items such as illegal narcotics, firearms, knives, scissors, carpet or box cutters, letter openers or other edged weapons are considered contraband unless it can be shown that the person has a legitimate need to possess the item inside the courthouse.
- B. When individuals are found with contraband, which constitutes a criminal violation, the items shall be seized and the person taken into custody or issued a criminal citation, depending on the circumstances.
- C. Individuals found with items that would otherwise be legal to carry, such as small pocketknives or pepper spray, will be advised that they must take these items to their vehicles, homes, or offices, or place them in storage lockers located on the first floor of the courthouse. **The security officers will not store items for the individuals nor accept them as discarded property.**

**Section VI. Designated Areas:**

- A. Access to Restricted Areas.
  1. No one is allowed in secured areas of the courthouse unless he is wearing a proper ID badge.
  2. One-day visitor passes may be applied for and issued at the information desk located on the first floor. A visitor pass is good only in the secured areas of the courthouse and when accompanied by a proper ID holder (Photo ID).
  3. Local attorneys, out-of-county attorneys and their employees may apply for an ID access card by filling out an application at the courthouse security office located on the first floor. The fee is \$15.00 for the initial card. There will be a \$25.00 fee for a duplicate card if lost or stolen.
- B. Use of Attorney/Client Interview Rooms.
  1. Attorneys or other court officials who take their clients or witnesses into the interview rooms at the front entrances of the courtrooms must be responsible for escorting them back into the courtroom. **ATTORNEYS SHOULD NEVER TAKE THEIR CLIENT OR WITNESS INTO THE SECURED AREAS OF THE COURTROOM.**
  2. The secure areas are for court personnel and security officers (with proper ID picture access badge) and the only **EXCEPTION** will be for official business that requires the presence of a civilian.
- C. Waiting Area.

The only public waiting area in the courthouse is located on the west side of the first floor. Vending machines will be in this area. **(NO SMOKING)**
- D. Smoking Area.
  1. The Randolph County Courthouse is a **NON-SMOKING** facility.
  2. Smoking will be permitted in a designated area **OUTSIDE** of the main entrance (first floor) of the courthouse.

**Section VII. Exit Procedures.**

- A. Exiting the Building:
  1. The public exiting the building should use the front entrance doors located on the first floor.
  2. Under no circumstances should anyone open one of the emergency exit doors to allow any person to enter the courthouse.
- B. Emergency Evacuation Plan:

In the event of an evacuation at the courthouse, the courthouse security supervisor or his designee will notify each departmental supervisor. It will be each department supervisor or designee's duty to evacuate his or her division:

  1. Clerk of Court for Clerk's personnel;
  2. Chief Magistrate for the Magistrate's Office;
  3. Chief Court Deputy for Sheriff's Office;
  4. District Attorney for District Attorney's Office;
  5. Probation Office Supervisor for Probation personnel;
  6. Supervisors in each of the following offices: Guardian Ad Litem, Community Service Coordinator, Judges' Assistants, Department of Juvenile Justice, Maintenance/ Housekeeping, and any other personnel occupying offices or facilities on a regular basis in the courthouse.

**Section VIII. Maintenance, Custodial Staff and Civilian Workers.**

- A. Building Maintenance:

Building Maintenance will consist of one employee assigned to the courthouse 8:00 a.m. until 5:00 p.m. Monday-Friday. When other County maintenance staff needs entry into the courthouse, they must go to the security check point and check in and advise the information officer of the nature and the location of their work. They will be allowed to take the necessary tools and materials to perform their duties, but will be cautioned to keep the tools in their possession at all times while in the public areas of the courthouse and not leave them unattended when

leaving to get additional tools or materials. **When the maintenance staff have completed their tasks, they should return to the information desk and check out.**

**B. Custodial Staff:**

1. Custodial personnel assigned to the courthouse will clean the courthouse between 5:30 p.m. and 11:00 p.m. Monday- Friday.
2. Custodial personnel assigned to the courthouse will enter and exit through the security checkpoint at the public/employee entrance.
3. Civilian Contractors or Maintenance Workers:

**Section IX. Penalties.**

- A. Any violations of this manual may result in revocation of an individual's I.D. access card by the courthouse security supervisor.
- B. Any revocation of an I.D. access card may be appealed to the Courthouse Security Supervisor or Security Committee.

**Section X. Security Committee.**

The Commissioners hereby appoint the Chief District Court Judge, Elected District Attorney, Elected Sheriff, Elected Clerk, and Local Bar President or their designees to enforce this ordinance and to suggest future amendments.

**Section XI. Effective Date.**

This ordinance shall become effective upon its adoption.

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Chairman Kemp asked David Townsend, III, Public Works Director, if there had been any major problems with the new Courthouse now that it had been occupied for a full week. Mr. Townsend stated that today was the first day that court was held in the new building and the only problem that had been encountered was with x-raying of mail coming into the building. Commissioner Davis commended Mr. Townsend on the great job he did as project manager of the new Courthouse.

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**Adopt 2003 Holiday Schedule for County Offices, Library, Solid Waste Facility**

On motion of Frye, seconded by Holmes, the Board voted unanimously to adopt the following holiday schedule for calendar year 2003 for County offices, Solid Waste Facility and Library, as follows:

<i>Holiday</i>	<i>County*</i>	<i>Solid Waste Facility**</i>	<i>Library</i>
New Year's Day	1/1 (Wed.)	1/1 closed, 1/2 open	1/1
M.L.King Jr.'s Bday	1/20 (Mon.)	1/20 open	1/20
Easter	4/18 (Fri.)	4/18 (open), 4/19 (closed)	4/18, 4/19
Memorial Day	5/26 (Mon.)	5/26 (closed)	5/26
Independence Day	7/4 (Fri.)	7/4 (closed)	7/4, 7/5
Triad Highland Games (Archdale Library only)			8/16 (Sat.)
Labor Day	9/1 (Mon.)	9/1 (closed)	8/30, 9/1 (Sat. & Mon.)
Fall Festival (Asheboro Library only)			10/4
Veterans' Day	11/11 (Tue.)	11/11 open	11/11
Thanksgiving	11/27 & 28 (Thurs. & Fri.)	11/27 closed, 11/28 open, 11/29 open	11/27, 11/28, 11/29
Christmas	12/24, 12/25, 12/26 (Wed., Thurs., Fri.)	12/24 close @ noon, 12/25 (closed), 12/26 open	12/24, 12/25, 12/26

\* This holiday schedule is the same as that observed by the State of North Carolina.

\*\* The Coleridge and Farmer convenience sites will also utilize this holiday schedule.

Regular hours of operation at the Solid Waste Facility - M-F: 8:00 a.m. until 4:30 p.m., Sat.: 7:00 a.m. until 12:00 noon

Regular hours of operation at the Coleridge & Farmer convenience sites - Mon. Thurs., & Fri.: 8:00 a.m. until 4:30 p.m.  
Saturday: 8:00 a.m. until 3:00 p.m.

**Set September Meeting Date**

On motion of Davis, seconded by Holmes, the Board voted unanimously to set the September meeting date for Tuesday, September 3, 2003, due to the first Monday falling on the Labor Day holiday.

**Budget Amendment – Library**

Richard Wells, County Library Director, stated that the library had received a grant from the Randolph County Partnership for Children for \$51,635 to fully fund the Franklinville Parents as Teachers program, including all personnel costs of hiring a coordinator. The coordinator's office will be located in the Franklinville Public Library/Sheriff's Office annex. Matching funds are not required for this one-year-only grant (July 1, 2002-June 30, 2003).

*On motion of Holmes, seconded by Frye, the Board voted unanimously to approve Budget Amendment #1, which reflects \$51,635 in grant funds to the Library, as follows:*

<b>GENERAL FUND - #1</b>	
<b><i>Revenue</i></b>	<b><i>Increase</i></b>
<i>Miscellaneous</i>	<i>\$51,635</i>
<b><i>Appropriation</i></b>	<b><i>Increase</i></b>
<i>Public Library</i>	<i>\$51,635</i>

#### **Closed Session – Economic Development**

*On motion of Frye, seconded by Davis, the Board voted unanimously at 5:02 p.m. to go into closed session to discuss matters relating to the location or expansion of business in the area served by this governing body, pursuant to NCGS 143.318-11(a)(4). They returned to regular session at 5:35 p.m.*

#### **Set Public Hearing Date for Economic Development Project (CDBG application)**

*On motion of Frye, seconded by Holmes, the Board voted unanimously to set a public hearing for 5:30 p.m. on August 5, 2002 to consider an application for a community development block grant for an economic development project for an unnamed company interested in locating in the Liberty Business Park.*

#### **Public Hearing on the Levy of the Third One-half Cent Local Government Sales and Use Tax; Resolution**

Chairman Kemp opened a public hearing regarding the levy of the third one-half cent local government sales and use tax to begin and continue on and after the first day of July, 2003, or as soon as allowed by General Statute.

**Patricia Patillo**, 203 S. Park St., Asheboro, asked about the effective date of the sales tax. Board members explained that the tax would be effective the first day of July 2003 unless the General Assembly votes to allow local governments to levy it during this fiscal year. She asked how the County plans to make up for the shortfall in revenue since the State is withholding its reimbursables and was told that County's only option was to use fund balance.

Hearing no further comments, Chairman Kemp closed the public hearing.

*On motion of Frye, seconded by Davis, the Board voted unanimously to approve a resolution approving the levy of the third one-half cent local government sales and use tax authorized by Section 34.14(a) of session law 2001-424 and codified as Article 44 of Chapter 105 of the General Statutes of North Carolina to begin and continue on and after the first day of July, 2003, or as soon as allowed by General Statute, as follows:*

**WHEREAS**, the North Carolina General Assembly has authorized the Randolph County Board of Commissioners to levy a one-half percent (½%) local sales and use tax by enacting N.C.G.S. 105-517(b) in Section 34.14(a) of Session Law 2001-424; and,

**WHEREAS**, the Randolph County Board of Commissioners held the public hearing on the issue of adopting this resolution on July 8, 2002, as required by N.C.G.S. 105-517(b) and proper public notice of the Board's intent to consider this resolution was provided as required by N.C.G.S. 105-517(b); and

**WHEREAS**, the North Carolina General Assembly levied a one half percent (½%) state sales tax effective October 16, 2001 by enacting Section 34.14(a) of Session Law 2001-424, and this tax expires July 1, 2003, the same day

*the sales and use tax levied hereby becomes effective, and as a result the Board's action herein will not result in an increased sales and use tax for the consumer; and*

**WHEREAS**, *as of July 1, 2003, Randolph County will lose funds made available by the State of North Carolina to replace revenue lost because of legislative action: (1) to repeal sales taxes imposed on purchases made with Food Stamps; (2) to repeal property taxes imposed on inventories held by manufacturers, retailers, and wholesalers; (3) to repeal taxes on intangible personal property; and (4) to reduce taxes levied on residential property owned by low-income elderly taxpayers; and*

**WHEREAS**, *the Randolph County Board of Commissioners hereby finds that, particularly in light of the circumstances cited herein, the levy of the Third One-Half Cent (½¢) Local Government Sales and Use Tax is necessary to adequately finance the operations of the county and the cities and towns herein.*

**NOW, THEREFORE, BE IT RESOLVED** *by the Randolph County Board of Commissioners:*

- (1) There is hereby imposed and levied within Randolph County the Third One-Half Cent (½¢) Local Government Sales and Use Tax authorized by Section 34.14(a) of Session Law 2001-424 and codified as Article 44 of Chapter 105 of the General Statutes of North Carolina. The tax hereby imposed and levied shall apply to the same extent and be subject to the same limitations as are set forth in said Session Law 2001-424.*
- (2) Collection of the tax by the North Carolina Secretary of Revenue, and liability therefore, shall begin and continue on and after the first day of July, 2003, or as soon as allowed by General Statute.*
- (3) The net proceeds of the tax levied herein shall be distributed by the Secretary of Revenue on a monthly basis to Randolph County as prescribed by N.C.G.S. 105-520. The amount distributed to Randolph County shall be divided among the county and the municipalities herein in accordance with the method by which the one percent (1%) sales and use taxes levied in Randolph County pursuant to Article 39 of the North Carolina General Statutes, Chapter 105 are distributed.*

*This Resolution is effective upon its adoption, and a certified copy hereof shall be forwarded to the North Carolina Secretary of Revenue.*

#### **Elect Voting Delegate for NCACC Annual Conference in August**

*On motion of Davis, seconded by Holmes, the Board voted unanimously to elect Darrell Frye as their voting delegate at the NCACC annual conference in Winston-Salem in August.*

#### **Report On Result of the N.C. Supreme Court Case of Mann Media, Inc. vs. Randolph County Planning Board**

Alan Pugh, County Attorney, told the Board that on 6/28 the N.C. Supreme Court ruled that a lower court erred in reversing a planning board decision to deny a special use permit to Mann Media for the construction of a 1,879-foot-tall broadcast tower in the New Market area; therefore, the planning board's decision stands.

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At 6:00, Chairman Kemp recessed the meeting until 6:30 p.m.

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#### **Rezoning Public Hearing**

At 6:30 p.m. the Board adjourned to a duly advertised public hearing to consider rezoning requests. Hal Johnson, Planning & Zoning Director, presented the following requests, and Chairman Kemp opened the public hearing for comments on each request and closed it before taking action on each request.

1. SCOTT CRUTHIS, Thomasville, North Carolina, is requesting that 14.64 acres located on the corner of Mamie May Road/Mack Lineberry Road, Polecat Creek Watershed, Providence Township, be rezoned from RA to RLOE-CU. Parcel ID # 7785374705. The proposed Conditional Use Zoning District would specifically allow a 3-lot subdivision for site-built homes and conventional modular homes. The Planning Board considered this request at a public hearing on May 7, 2002, and recommended unanimously that this request be approved as consistent with the Growth Management Plan. *The Board of County Commissioners heard this request at the June 3<sup>rd</sup> meeting and delayed the request until the July meeting to allow Mr. Cruthis the opportunity to consider a change to the housing type he had requested. Mr. Johnson said that Mr. Cruthis had revised his request from Class A double-wides to site-built and conventional modular homes with a minimum of 1,300 sq. ft.*



**Jerry King**, 154 B. South Fayetteville St., who was representing Mr. Cruthis, said that the preliminary well/septic systems had been approved, the deed restrictions had been revised, the double-wides had been removed and the site plan yielded a 5.186-acre average lot size.

**Betty Lineberry Kime**, 4187 Mack Lineberry Rd., said that she had been a life-long resident of this community, except for 10 years, and she has groundwater concerns since there have been 6 new residences added to this area (.4 mile radius) in the last 3 years. This means that 6 new wells have been drilled. She is concerned about the water supply in this area as well as in all of Randolph County.

**Michelle Caudill**, 4348 Mack Lineberry Rd., said that the area has exploded recently in population, the roads are inadequate for the high traffic count, and the school buses are overcrowded, as well as are the classrooms.

**Steve Caudill**, 4348 Mack Lineberry Rd., asked how restrictive covenants and deed restrictions are enforced. Alan Pugh said that the County enforces the zoning ordinance, and the owners of the residences in the subdivision enforce restrictive covenants. Mr. Caudill said that he is worried that the 3 owners won't enforce these covenants.

**Louise Pugh Corder**, who lives on the corner of Mamie May Rd. and Mack Lineberry Rd., is worried about fire protection in the area because of the increased number of homes in the community. She said that we need more firemen.

*On motion of Holmes, seconded by Frye, the Board voted unanimously to approve the request of Scott Cruthis.*

2. **CARMON PETERSON**, Archdale, North Carolina, is requesting that 1.0 acre located at 7970 US Hwy 311 North, New Market Township, Randleman Lake Watershed, be rezoned from Residential Restricted to Highway Commercial/Conditional Use. Parcel ID # 7737400291. The proposed Conditional Use Zoning District would specifically allow auto sales at Corvette Limited. The Planning Board considered this request at a public hearing on June 4, 2002, and recommended unanimously that this request be approved.

**Carmen Peterson**, 7970 Hwy 311, spoke in favor of her request.

*On motion of Mason, seconded by Frye, the Board voted unanimously to approve the request of Carmon Peterson.*

3. **MICHELLE MCDOWELL**, Asheboro, North Carolina, is requesting that 10.01 acres located on Scott McDowell Drive, Union Township, be rezoned from RA to RLOM-CU. Parcel ID # 7624574800. The proposed Conditional Use Zoning District would specifically allow the division of an existing 10-acre subdivision tract into 2 lots. The Planning Board considered this request at a public hearing on June 4, 2002, and recommended unanimously that this request be approved as consistent with the Growth Management Plan.

**Michelle McDowell**, 6477 Scott McDowell Dr., stated that she's seeking this rezoning so her uncle from California can place a 1,600 sq. ft. modular home on the property and be close to family members.

*On motion of Davis, seconded by Holmes, the Board voted unanimously to approve the request of Michelle McDowell.*

4. **CARL & WANDA LAMBETH**, Trinity, North Carolina, are requesting that 10.03 acres located on Finch Farm Road, Lake Reese Watershed, Tabernacle Township, be rezoned from RA to CVOE-CU. Parcel ID # 6794647451. The proposed Conditional Use Zoning District would specifically allow a re-division of Lot # 6,

Pallie Ferree Subdivision, into 3 lots for site-built homes only. The Planning Board considered this request at a public hearing on June 4, 2002, and recommended unanimously that this request be approved as consistent with the Growth Management Plan.

**Jerry King**, spoke in support of this request, stating that this rezoning is being done so that his children can build homes for themselves on the property. He also said that Davidson Water is available here.

**Max Lambeth**, 2763 Finch Farm Rd., spoke in support of this request.

*On motion of Frye, seconded by Davis, the Board voted unanimously to approve the request of Carl and Wanda Lambeth.*

5. **DAVID SCOTT NELSON**, Greensboro, North Carolina, is requesting that 39.38 acres located on Mamie May Road, Providence Township, be rezoned from RA to RLOE-CU. Parcel ID # 7785673186. The proposed Conditional Use Zoning District would specifically allow the development of a 10-lot subdivision for site-built homes and conventional modular homes only with a minimum of 1,500 sq. ft. for a single-level home and 1,800 sq. ft. for a multi-level home. The Planning Board considered this request at a public hearing on June 4, 2002, and recommended unanimously that this request be approved as consistent with the Growth Management Plan.

**Jerry King** spoke in support of this request, stating that Mr. Nelson is planning to build a home for himself on lot 6 and that the soil is good according to soils testing. There is also good sight distance at the proposed subdivision entrance. He also said that Mr. Nelson is willing to add a condition that the driveways for tracts 1 & 10 would front on the new road.

**David Scott Nelson**, 3633 Mamie May Rd., said that he has lived in this area for 2 years. He said that he would personally oversee the strict deed restrictions. He has not encountered any opposition from the neighbors about this request.

**Leo Corder**, 2713 Bruce Pugh Rd., said that he is disappointed with the Planning Board regarding the Growth Management Plan because it was done by, of, and for developers. He thought that conservation was a major concern of the Planning Board, but the new Growth Management Plan obviously is not concerned with conservation. Wells are having to be dug more often and deeper than ever before. The water table is dropping in Randolph County. He said that Mr. Nelson inherited this property and timbered the trees for profit and now he wants to make money on this subdivision and he will eventually move out of the community. He said Mr. Nelson will eventually put 10 more residences there and this would mean 10 more wells and septic systems. He said that in the end Mr. Nelson will divide the 12 acres in the back of the property so that eventually he will get is original request for the larger subdivision. Mr. Corder said that the Growth Management Plan should preserve rural Randolph County and he asked the Board to shoot Mr. Nelson down and stop him from building.

**Louise Pugh Corder**, stated that the Growth Management Plan is a Growth Development Plan because the Board rubber stamps every subdivision request that comes before them as long at the lots average 3 acres. She said that they should consider that folks want to live in Randolph County and work in other counties such as Guilford. This means that Randolph County is responsible for educating their children while they spend their money in Guilford. She said that Randolph County's unemployment rate is the highest it's been in many years. She said that she's not worried about mobile homes in the area; she's worried about the increased number of people. She said that Mamie May Road is winding, narrow and dangerous and has caused many serious wrecks. She's also concerned about fire protection. She wants the Growth Management Plan to be a management plan and not a development plan and asked the Board to consider the future of Grays Chapel and rural Randolph County for our children's sake.

**Patricia Corder**, 3814 Mamie May Rd., said that she has 3 children who she can no longer let play in the front yard because of the increased traffic. She questioned the Development Impact Analysis figures about this subdivision's impact on the schools. How can 10 new homes put only 3 children in area schools?

**Steve Caudill**, 4348 Mack Lineberry Rd., said that Mr. Nelson had told other people that he would be moving out of the neighborhood. He also questioned the Development Impact Analysis figures regarding the schools. He said that people from these new homes do not volunteer at the fire department and they have a shortage of firemen. He said that the Growth Management Plan is not fair and that Hal Johnson always sells the developer's side. Mr. Caudill said that Mr. Johnson needs to present both sides fairly.

Approximately 16 people stood in opposition to this request.

*On motion of Holmes, seconded by Mason, the Board voted unanimously to approve the request of David Scott Nelson.*

6. **THOMAS CLAYTON**, McLeansville, North Carolina, is requesting that 46.00 acres located on Low Bridge Road, Sandy Creek Watershed, Columbia Township, be rezoned from RA to RLOR-CU. Parcel ID # 8704106837. The proposed Conditional Use Zoning District would specifically allow a 9-lot subdivision for site built homes, modular homes and Class-A double-wide mobile homes on permanent masonry foundation. The Planning Board considered this request at a public hearing on June 4, 2002, and recommended unanimously that this request be approved as consistent with the Growth Management Plan.

No one spoke.

*On motion of Mason, seconded by Frye, the Board voted unanimously to approve the request of Thomas Clayton.*

7. **ROBBIE SIKES**, Trinity, North Carolina, is requesting that 42.44 acres located on Loflin Hill Road, Tabernacle Township, be rezoned from RA to RLOM-CU. Parcel ID # 6781987558. The proposed Conditional Use Zoning District would specifically allow an 8-lot subdivision for Class-B single-wide mobile homes. Property Owners: Henry and Thelma Royals. The Planning Board considered this request at a public hearing on June 4, 2002, and recommended unanimously that this request be approved as consistent with the Growth Management Plan with the following conditions:

- \* a 50 ft. no-cut buffer along the southern property line, and
- \* more specific proposed deed restrictions prior to the Commissioners meeting.

Mr. Johnson stated that arsenic, which is a natural result of gold mining, had been found on this site and surrounding properties. The EPA has done some testing and found some trace arsenic levels and is doing further testing.

**Robbie Sikes**, 4245 Hopewell Church Rd., spoke in favor of his request and said that his list of restrictive covenants would be put in recordable form.

**Christy Reece**, 1502 Loflin Hill Rd., distributed EPA results to the Commissioners that she had obtained recently. She said that she had been consulting with Jim Bateson, who is a local expert on gold mining/arsenic. She said that he had told her that until it was determined exactly how much arsenic was present, this property should not be disturbed. She says that her own land has not been tested nor has other land around there. She said that she's against any development until she is assured that the land is safe.

**Dawn Shipman**, 1641 Loflin Hill Rd., said that her land has not been tested either and she's very concerned because her husband has asthma. She also said that she thought that this was to be a double-wide subdivision.

**Jim Walker**, 1704 Loflin Hill Rd., said that he owns 130 acres around this property and he would like to see double-wides, modular homes or stick-built homes instead of single-wides because there are enough single-wides there already.

*On motion of Frye, seconded by Holmes, the Board voted unanimously to postpone a decision on the request of Robbie Sikes until no later than the October Board of Commissioners meeting so that the EPA can do further testing for arsenic.*

There being no further business, the Board adjourned.

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Phil Kemp, Chairman

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Darrell L. Frye, Vice Chairman

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J. Harold Holmes

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Robert B. Davis

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Robert O. Mason

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Cheryl A. Ivey, Clerk to the Board